

Serial #: 10/056,790  
Reference #: EX02-004C

## REMARKS

In reviewing the office actions for this application, applicants note that the first office action of 08/01/2003 rejected claims 8-12 based on 35 USC 112, 2<sup>nd</sup> paragraph (indefiniteness), and 35 USC 112, 1<sup>st</sup> paragraph, enablement. The current final rejection of 01/09/2004 maintains the 35 USC 112, 2<sup>nd</sup> paragraph (indefiniteness) rejection, and states that the 35 USC 112, 1<sup>st</sup> paragraph is also maintained. However, the 35 USC 112, 1<sup>st</sup> paragraph rejection raised by the examiner is a written description rejection, and not an enablement rejection. As this is the first time a written description rejection has been raised, applicants believe that a final rejection is premature (see 37 C.F.R. § 1.113, MPEP § 706.07 (c-d)), and thus request reconsideration and withdrawal of the finality of the office action.

In a telephone conversation with the examiner on February 19, 2004, the undersigned brought this matter to the examiner's attention, and the examiner kindly agreed to remove the finality of the office action issued on 01/09/2004.

### Amendments

Claim 8 has been amended to indicate RRP as Rhomboid Related Protein, and to identify each RRP with a SEQ ID NO. Support for the amendment is found on page 4, paragraph [0011], and page 7, paragraph [0027].

The amendments to the claims do not introduce new matter.

The examiner has previously found the subject matter of the claims enabled in office action of 08/01/2003, paragraph 8.

In a telephone conversation with the undersigned on February 18, 2004, the examiner kindly indicated that he would bring the above claims under favorable consideration.

### Claim Rejections - 35 USC §112, 2<sup>nd</sup> Paragraph

On paragraph 4 of the office action, claims 8-12 were rejected under 35 USC 112, 2<sup>nd</sup> paragraph as being indefinite. Amended claim 8 clearly defines the term RRP, and also defines each RRP by a SEQ ID NO, and thus, overcomes the rejection.

As such, claims 8-12 meet the requirements of 35 USC 112, 2<sup>nd</sup> paragraph.

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**Claim Rejections – 35 USC §112, 1<sup>st</sup> Paragraph**

On paragraph 5 of the office action, claims 8-12 were rejected under 35 USC 112, first paragraph, for lack of proper written description for all RRP in literature. Amended claim 8 provides a clear definition of the term RRP, and further identifies each RRP using a SEQ ID NO, thus overcoming the rejection.

As such, claims 8-12 meet the written description requirement of 35 USC 112, 1<sup>st</sup> paragraph.

**CONCLUSION**

It is believed that all the objections and rejections raised by the Examiner have been addressed and that the application is in condition for allowance. The Examiner is encouraged to telephone the undersigned with any questions or comments regarding this response.

Respectfully submitted,

Dated: February 25, 2004



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